IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 14947 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GARBADA MADHYAMIK KELAVANI MANDAL

Versus

VORA YUSUFJI FAKRUDDIN

Appearance:

1. Special Civil Application No. 14947 of 2003

MR KV SHELAT for Petitioner No. 1

MR MUKESH R SHAH for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 15/10/2003

ORAL JUDGEMENT

1. RULE. Service of rule is waived by learned advocate Shri Mukesh R. Shah for the respondent. At the

request of the learned advocates, the petition is finally heard today.

2. Looking to the fact that the petitioner has not even paid the amount of rent to the respondent-landlord within the time prescribed by the appellate Court and had thereby committed breach of the condition on which the petitioner was permitted to retain possession of the suit premises, the learned advocates have agreed that by way of costs, a sum of Rs.15,501/- shall be paid to the respondent by the petitioner on or before 3rd November, 2003.

3. If the aforesaid amount is not paid on or before 3rd November, 2003, the respondent shall be entitled to take possession of the suit premises.

4. Without going into the merits of the matter, the impugned order dated 15th September, 2003 passed below Exh.23 in Regular Civil Appeal No.57/2000 by the Joint District Judge, Panchmahals is set aside and the appellate Court is directed to hear and decide the Regular Civil Appeal No.57/2000 on or before 31st December, 2003.

5. Needless to say that the petitioner shall be permitted to retain possession of the suit premises till 31st December, 2003 provided, he pays the aforesaid amount on or before 3rd November, 2003.

6. The learned advocates appearing before this Court have assured this Court that the learned advocates appearing before the lower appellate Court shall not pray for time and shall extend their cooperation so that the aforesaid appeal can be finally disposed of.

The petition stands disposed of as granted. Rule is made absolute to the above extent.

(A.R. DAVE,J.)

siji